

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

Petitioner, a California prisoner, filed this action for a writ of habeas corpus under 28 U.S.C. §2254. Respondent filed an answer on September 22, 2004 (docket no. 13). Petitioner filed a traverse on March 18, 2005 (docket no. 21). On October 12, 2006, Petitioner filed a motion seeking to stay the petition, pending his exhaustion of additional claims in state court (docket no. 22). On November 22, 2006, this Court denied the motion, finding that Petitioner had failed to meet the standard for establishing entitlement to such a stay under the holding of *Rhines v. Webber*, 125 S. Ct. 1528 (2005). On December 7, 2006, Petitioner filed an amended petition and a motion seeking leave to amend, without any further allegations establishing his entitlement to such a stay. On March 9, 2007, this Court rendered a decision, denying the petition and entering judgment in favor of Respondent. However, the Court inadvertently failed to explicitly deny Petitioner's motion to amend. As such, Petitioner's motion is DENIED for the reasons set forth in this Court's order denying a stay (docket no. 24).

IT IS SO ORDERED.

DATED: June 11, 2007

Jeffrey S. White
JEFFREY S. WHITE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

WYRICK,

Case Number: CV03-05623 JSW

Plaintiff,

CERTIFICATE OF SERVICE

V.

NEWLAND et al.

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 11, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

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Dated: June 11, 2007

Jennifer Ottolini

Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk